

THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.17580 of 2006

Dated: 01st September, 2006

Between:

The Depot Manager, APSRTC,
Sathupalli Depot, Khammam District.

.....PETITIONER

AND

Y.R.Babu s/o Venkataratnam,
Ex.Conductor r/o Chodavaram,
District: Khammam and another.

....RESPONDENTS

**THE HONOURABLE SRI JUSTICE
N.V.RAMANA**

W.P.No.17580 of 2006

ORDER:

The Depot Manager, A.P.S.R.T.C, Sathupalli Depot, Khamam District filed this writ petition seeking to call for the records relating to the award dated 8-5-2006 passed in E.P.No.22 of 2005 by the Labour Court, Warangal awarding Rs.34,443/- towards delayed wages to the 1st respondent and to quash the same.

The 1st respondent is a daily wage conductor in the petitioner corporation and while he was working as such he was removed from service on 13-7-1994 on the ground of unauthorized absence. Aggrieved by the removal orders, the 1st respondent raised an industrial dispute before the labour Court, Warangal in I.D.No.38 of 2002. The labour court passed an award reinstating the 1st respondent as conductor afresh, but denied the continuity of service, back wages or attendant benefits. The respondent No.1 joined the service and subsequently filed E.P.No.22 of 2005 seeking wages for the delayed period for an amount of Rs.40,506/- which was allowed partly by awarding Rs.34,443/-.

Learned Standing Counsel for the Corporation submitted that the order of the labour court is erroneous inasmuch as though the respondent No.1 has not worked for the said period the labour court

has awarded Rs. 34,443/-. The learned counsel therefore prayed that the writ petition be allowed and the impugned order be quashed.

Heard the learned Standing Counsel for the Corporation as also the learned counsel for the respondents and perused the impugned award.

A perusal of the order would disclose that initially the labour court has passed the award directing reinstatement of respondent No.1 on 5-7-2004 and though respondent No.1 submitted his joining report on 7-7-2004 he was reinstated into service on 28-7-2005. The tribunal at para 6 of its award held that it is the duty of the petitioner to implement the award from the date of its enforcement and the respondent No.1 is deemed to be in service from the date of its enforcement and he is entitled to the wages though he did not actually work. The petitioner having not reinstated the respondent No.1 for their own reasons cannot contend that the respondent No.1 is not entitled for delayed wages. The tribunal having held that the respondent No.1 is deemed to be in service from the date of enforcement of the award and is entitled to the wages for the delayed period, rightly awarded an amount of Rs.34,443/-. I see no illegality or irregularity in the impugned award passed by the 2nd respondent.

For the foregoing reasons, there is no merit in the writ petition, and the same is accordingly dismissed. No costs.

(N.V. RAMANA, J.)

Date:01st September, 2006.

GRK

